

REMARKS

The Office Action mailed March 3, 2004 has been received and reviewed. Claims 1-28 are in the case. Claims 1-20 have been previously withdrawn from consideration. Claims 21-28 stand rejected under 35 U.S.C. §103(a).

By this amendment, claims 1-20 have been cancelled and claims 29 through 40 have been added. For the reasons set forth below, claims 21-40 are believed to be in condition for immediate allowance. Favorable reconsideration of the application in view of the following remarks, is therefore respectfully requested.

Rejection of Claims 21-23 Under 35 U.S.C. §103(a)

Claims 21-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,453,356 issued to Sheard et al. (hereinafter "Sheard") in view of U.S. Patent No. 6,047,390 issued to Butt et al. (hereinafter "the '390 patent") and U.S. Patent No. 5,799,143 issued to Butt et al. (hereinafter "the '143 patent").

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (See MPEP 2143.)

With respect to claims 21-23, the rejection under 35 U.S.C. §103(a) is improper because the cited references, combined or otherwise, do not teach or suggest all of the claim limitations. Specifically, neither

Sheard, the '143 patent, nor the '390 patent ever mention a database formed with a hierarchical schema, receiving text from a user, acquiring a macro-context based on text, locating information matching the macro-context, or presenting the information to a user. Moreover, Sheard, the '143 patent, and the '390 patent are each directed to inventions that are wholly unrelated to Applicant's claimed invention.

For example, Sheard has nothing to do with a method for extracting information pertaining to products for sale over the Internet, as claimed by Applicant. Rather, Sheard is directed to an interface facilitating exchange of data between different software applications. The '143 and '390 patents are similarly unrelated to Applicant's claimed invention, both dealing with methods for evaluating the performance of software.

Not only are the cited references unrelated to the Applicant's claim invention, the references do not support the disclosure attributed thereto by the Office Action. For example, the Office Action asserts that on column 47, lines 47-53, Sheard teaches "gather/mining information from the Internet to form a database having a hierarchal schema." Column 47, lines 47-53 of Sheard reads as follows:

"The application developer is provided with macros to define a context within the developer's code. The set of macros provided for this purpose include: INIT_CONTEXT; CONTEXT_BEGIN; and CONTEXT_END. In general, every function using the context macros should first use the macro INIT_CONTEXT."

Noticeably absent in the cited text of Sheard is any mention of gathering or mining, a database, or a hierarchal schema, which are all required by Applicant.

The Office Action also asserts that Sheard's Abstract teaches presenting information to a user. Specifically, the Office Action states that the Abstract's recitation of "dispatching selected information

content” obviously means dispatching information to a user. Sheard’s Abstract, however, contradicts the assertions of the Office Action. The relevant portion of the Abstract reads as follows:

“User-specified routing logic may be applied by the data exchange engine to dispatch selected informational content to one or more destination applications.”

The Abstract is clear that the informational content is dispatched “to one or more destination applications,” not to a user. The Office Action errs in assuming where the informational content is directed and contradicts the reference. Sheard specifically articulates the destination.

The ‘143 and ‘390 patents are similar deficient in their teachings. For example, the Office Action asserts that on Figures 7 and 9-10 and column 1, lines 37-45 of the ‘390 patent and claims 3 and 6 of the ‘143 patent teach micro-contexts and macro-contexts as claimed by Applicant.

Column 1, lines 37-45 of the ‘390 patent reads as follows:

“Another example of a micro context could be a specific thread on a specific processor for the time span from the most recent time the thread executed on that processor until the time that it terminated or got switched to another processor.... A context refers to either a micro-context or a union of micro-contexts. An example would be any thread executing on a specific processor.”

Noticeably absent from the cited teachings is any mention of determining a micro-context or macro-context from text received from a user, as required by Applicant. While the ‘143 and ‘390 patents may define and use the words “micro-context” to characterize or signify specific threads on specific processors, such teachings are wholly unrelated to a “micro-context” of text acquired from a user, as required by Applicant. Figures 7 and 9-10 of the ‘390 patent and claims 3 and 6 of the ‘143 patent are similarly unrelated to Applicant’s claimed invention.

Rejection of Claims 24-28 Under 35 U.S.C. §103(a)

Claims 24-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sheard in view of the '390 patent, the '143 patent, and an Official Notice taken by the Examiner.

Official Notice is improper in this case. To take Official Notice, the examiner must be relying on a fact "capable of such instant and unquestionable demonstration as to defy dispute." (See MPEP 2144.03.)

The Office Action states that "...Official Notice is taken here that Shear et al. 's (sic) teachings could be applied in a relational database environment where of indices linked to generic meanings/macro-contexts." Applicant traverses this Office Notice. What Sheard's teachings may or may not be applied to is not "capable of such instant and unquestionable demonstration as to defy dispute." Accordingly, if the rejection is to be maintained, Applicant respectfully requests documentary evidence to support the Office Notice.

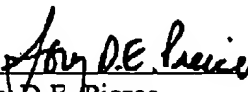
Moreover, to establish a prima facie case of obviousness, three basic criteria must be met. One such criterion is that the prior art reference (or references when combined) must teach or suggest all the claim limitations. (See MPEP 2143.)

As stated hereinabove, the combination of Sheard, the '143 patent, and the '390 patent never mention a database formed with a hierarchical schema, receiving text from a user, acquiring a macro-context based on text, locating information matching the macro-context, or presenting the information to a user. Moreover, the Examiner's Official Notice is in error and does not remedy the deficiencies of the cited combination of prior art.

In the event that the examiner finds any impediment to the prompt allowance of any of these claims, which could be clarified in a telephone conference, the examiner is respectfully urged to initiate the same with the undersigned.

DATED this 3rd day of June, 2004.

Respectfully submitted,



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